

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18269

WATER DIVISION 1-D

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18269 is held by the Lower Big Blue Natural Resources District (District) on behalf of Roesler Farm, Inc., landowner.
2. Appropriation A-18269 authorizes the use of water for irrigation of the 97 acres of land described below. The water may be diverted from Swan Creek Reservoir 20, storage permit A-16431, at a point of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 22, Township 5 North, Range 1 East of the 6<sup>th</sup> P.M. in Saline County. The amount of water that may be diverted shall not exceed 97 acre-feet per year.

Township 5 North, Range 1 East of the		Acres
6 <sup>th</sup> P.M. in Saline County		
Section 22:	NW¼SE¼	31.5
	NE¼SE¼	15.4
	SW¼SE¼	31.5
	SE¼SE¼	<u>18.6</u>
	TOTAL	97.0

3. The approval of appropriation A-18269 was conditional upon the irrigation of the above lands by September 1, 2007.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18269 had not been irrigated by September 1, 2007.
5. Nebraska Revised Statutes Section 46-229.02(7) provides for the cancellation of unused portions of surface water appropriations.

Order

IT IS HEREBY ORDERED:

1. Part of appropriation A-18269 for use upon the land described below is CANCELLED.

<u>Township 5 North, Range 1 East of the</u>		<u>Acres</u>
<u>6<sup>th</sup> P.M. in Saline County</u>		
Section 22: SE $\frac{1}{4}$ SE $\frac{1}{4}$		3.2

2. Appropriation A-18269 now authorizes the use of water for irrigation of the 93.8 acres of land described below and depicted on map number 17540 which is made a part of this Order. The water may be diverted from Swan Creek Reservoir 20, storage permit A-16431, at a point of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 22, Township 5 North, Range 1 East of the 6<sup>th</sup> P.M. in Saline County. The amount of water that may be diverted shall not exceed 97 acre-feet per year.

Township 5 North, Range 1 East of the 6 <sup>th</sup> P.M. in Saline County		Acres
Section 22:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	31.5
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	15.4
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	31.5
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	15.4
TOTAL		93.8

3. All terms and conditions of appropriation A-18269 remain in effect unless specifically changed by this Order.
4. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following:
- a. Notify the Department of any change in ownership or address.
  - b. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).
  - c. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

#### Additional Information

Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use a portion or all of a perfected appropriation for more than five consecutive years may result in cancellation of the appropriation.

DEPARTMENT OF NATURAL RESOURCES

December 31, 2009

/s/  
Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 17540 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 17540 were mailed on December \_\_\_\_\_, 2009, to the following:

Lower Big Blue NRD  
PO Box 826  
Beatrice, Nebraska 68310

Roesler Farm, Inc.  
2335 County Road 700  
Western, Nebraska 68464-2515